

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

**Plaintiff/
Moving Party**

-and-

**JIM BOAK, JOANNE CALLAWAY, HILDA FISHER,
LORI INVERARITY, LEO LUCIO, GIL PONTE, MANBAE SINGH-GALL
DARLENE THOMPSON and JOHN DOE**

**Defendants/
Responding Parties**

THE CORPORATION OF THE CITY OF WINDSOR

Intervenor

**SUPPLEMENTAL AFFIDAVIT OF JASON WARD REYNAR
(Sworn February 11, 2022)**

I, Jason Ward Reynar, of the City of Windsor, in the Province of Ontario, make oath and say:

1. I have been the Chief Administrative Officer of the Corporation of the City of Windsor (the "City") since April 6, 2021. As such, I have knowledge of the matters set forth in this affidavit. This Affidavit supplements my Affidavit sworn February 10, 2022.
2. The Corporation of the City of Windsor is a single tier municipal government. The City of Windsor is located in southwestern Ontario on the banks of the Detroit River, with a population of approximately 229,600 people.
3. The Ambassador Bridge (the "Bridge"), which spans the Detroit River, connects Windsor with Detroit, Michigan. Since it opened in 1929, the Ambassador Bridge has become a critical trade

route that is vital to Windsor's businesses, including the automotive businesses that form the core of the City's economy. Over 1,000 automotive manufacturers are located in the Windsor-Essex region, responsible for \$4.5 billion in annual GDP (30% of regional GDP); the largest sector by revenue in Windsor-Essex.¹ The manufacturing sector employs some 36,800 people.²

4. These businesses rely on trans-border shipping of parts and supplies across the Bridge in order to operate. They are important members of our community. Aside from providing employment to many residents, the automotive sector supports local charities and provides key sponsorship for local events and activities.
5. The Bridge also serves as an important travel corridor for Windsor's residents, many of whom rely on the bridge to access work, education and family members who live in Detroit and the surrounding region.
6. The Bridge enters the City of Windsor to the northwest, connecting to the four-lane Huron Church Road that runs roughly northwest to southeast. There are two entrances to the Bridge; a primary entrance from Huron Church Road and a secondary entrance from Wyandotte Street West. Huron Church Road is a major artery in the City. Anyone wishing to travel from the western portions of the City to the east, from the Bridge Plaza south to the 401, must cross Huron Church Road. Wyandotte Street West is lined with small businesses, primarily service and food service operations. Residential neighbourhoods are located to the north and south of this road.
7. As depicted in the map attached hereto as Exhibit "A", the area around the Bridge is comprised of residential areas and educational and healthcare uses. Thousands of residents live in the vicinity of the Bridge. In the immediate 2 km radius surrounding the Bridge, there were approximately 24,925 residents as of 2016. The University of Windsor, a significant institution in our community that

¹ <https://www.investwindsor-essex.com/en/industries/advanced-manufacturing.aspx>;

² Statistics Canada. Table 14-10-0379-01 Employment by industry, three-month moving average, unadjusted for seasonality (x 1,000)

represents a key part of the City's diversifying downtown, is adjacent to the Bridge Plaza and Huron Church Road. Two schools are less than 2 km from the Bridge: Assumption College Catholic High School (less than 1km away, on Huron Church Road) from the Bridge Marlborough Public School (less than 2 km away on Tecumseh Rd. W). The Hotel Dieu Grace hospital is 3 km to the southwest of the Bridge and Downtown Windsor less than 4 km away.

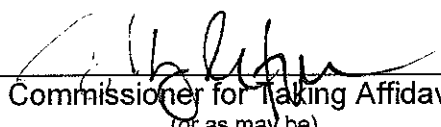
8. The Sandwich Town neighbourhood, located west of the Bridge, is the site of many historic buildings, and represents one of the oldest settlement locations in Ontario with cultural and architectural history dating back to the 1700s. The preservation and improvement of this neighbourhood is an important priority for the City of Windsor.
9. The Protest that began on February 7, 2022 (the "Protest") has, as of today's date, blocked access to the Bridge from both Huron Church Road and Wyandotte St. W. This has blocked all Canada-bound traffic and has severely limited traffic bound for the United States.
10. The Protest is negatively impacting the City's residents and businesses. The Protests have already resulted in closures, temporary layoffs and service reductions at major automotive businesses in the area, including Ford Canada and Stellantis.
11. The local Catholic Schools have been forced to close today. Entrance to school has been delayed and buses have had to be rerouted. Attached hereto as Exhibit "B" is a letter from the local Catholic School board that describes the impact the Protests have had on its 70 staff and 750 students.
12. Businesses near the Protest are losing customers because residents are afraid to enter the area. The Protest has made it more difficult for residents to access or exit the western parts of the City, including the Sandwich Town neighbourhood I discussed above.
13. The Protest is also impacting the City's ability to deliver critical services. The City has relocated Fire and Emergency Medical Services apparatus due to the Protest. The Protest is also requiring a disproportionate police presence, at the financial expense of the City and, ultimately, taxpayers.

14. The City expects that the negative impacts of the Protest will increase so long as it continues in its current form.

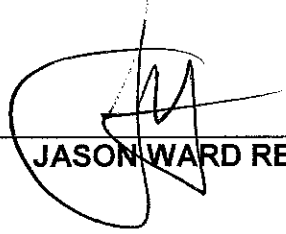
15. A number of City Bylaws apply to the Protest activities at issue here. They include:

- a. The City's traffic regulation by-law: By-Law 9148 (ss. 7(1)(a) and 12) [Exhibit "C"]
- b. The City's anti-idling by-law: By-law 233-2001 (s.2(1)) [Exhibit "D"]
- c. The City's highway protection by-law: By-Law 25-2010 (ss. 2.1 and 2.2) [Exhibit "E"]
- d. The City's noise by-law: By-Law 6716 [Exhibit "F"].

SWORN before me at the City of Windsor,
in the Province of Ontario, on February
11, 2022.

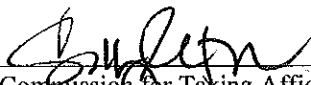


Commissioner for Taking Affidavits
(or as may be)



JASON WARD REYNAR

This is Exhibit "A" referred to in the Supplemental Affidavit of **JASON WARD REYNAR** sworn before me, this 11th day of February, 2022.


A Commission for Taking Affidavits

SHELBY ASKIN HAGER
Commissioner, Legal & Legislative Services, The
Corporation of the City of Windsor

Ambassador Bridge and Environs

Exhibit "A"



Legend

Google Earth

This is Exhibit "B" referred to in the Supplemental Affidavit of **JASON WARD REYNAR** sworn before me, this 11th day of February, 2022.


A Commission for Taking Affidavits

SHELBY ASKIN HAGER
Commissioner, Legal & Legislative Service, The
Corporation of the City of Windsor



**WINDSOR-ESSEX CATHOLIC
DISTRICT SCHOOL BOARD**

OFFICE OF THE DIRECTOR OF EDUCATION

1325 California Avenue
Windsor, ON N9B 3Y6

CHAIRPERSON: Fulvio Valentinis

DIRECTOR OF EDUCATION: Emelda Byrne

Telephone: (519) 253-2481 FAX: (519) 253-4819

February 11, 2022

To Whom It May Concern:

Re: Freedom Convoy Protest and the Impact to Windsor-Essex Catholic District School Board and Nearby Catholic Schools

The recent Freedom Convoy has negatively impacted the Windsor-Essex Catholic District School Board, most specifically Assumption College High School and Middle School, Holy Names Catholic High School, as well the Catholic Education Centre, the board's administrative offices, which are housed in the same building as the two Assumption schools.

This has impacted approximately 750 students, 70 staff members and 150 employees at the Catholic Education Centre. Concerns for the safety of students and staff has been paramount throughout this protest.

Traffic congestion, due to access to the Huron Church Road access to our property being blocked, has caused significant delays with bell times being altered by 15 to 20 minutes. In some cases, Board provided transportation involving 8 school buses were rerouted to California Avenue in order to have students arrive safely to Assumption College High School and Middle Schools. California Avenue is a single-lane residential road, and is also home to a nearby high school operated by the Greater Essex County District School Board. Bell times at the school are similar to Assumption's so the increased traffic congestion was extremely significant.

Attendance has been impacted at Assumption as well, as some families chose to keep their children at home rather than dealing with any potential safety issues.

Due to anticipated student protests that were scheduled for Friday, February 11, all students and staff at Assumption College Catholic High School and Assumption College Catholic Middle School and Holy Names Catholic High School on Northwood Avenue transitioned to online learning. Via social media, members of the Freedom Convoy were invited to these protests.

This decision was made by the school board after consultation with the Windsor Police Service out of an abundance of caution and to help our students and staff avoid the inconvenience of anticipated traffic congestion in the neighbourhood that may result.

"Building communities of faith, hope and service"

In addition to the impact on Assumption and the WECDSB's administrative offices, the board was forced to transition Holy Names Catholic High School, with about 1,200 students, to online learning on Friday, February 11 due to threats of the "Freedom Convoy" protesters arriving at the school this afternoon.

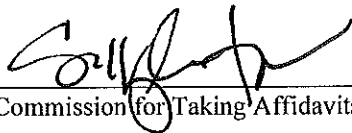
We are in full support of seeking an injunction to the Freedom Convoy/Protest.

Sincerely,

A handwritten signature in cursive script that reads "Emelda Byrne".

Emelda Byrne
Director of Education
director@wecdsb.on.ca

This is Exhibit "C" referred to in the Supplemental Affidavit of **JASON WARD REYNAR** sworn before me, this 11th day of February, 2022.

A handwritten signature in black ink, appearing to read 'Shelby Askin Hager', written over a horizontal line.

A Commission for Taking Affidavits

SHELBY ASKIN HAGER

Commissioner, Legal & Legislative Service, The Corporation of the City of Windsor

B Y - L A W N U M B E R 9 1 4 8

A BY-LAW TO REGULATE TRAFFIC WITHIN THE
LIMITS OF THE CITY OF WINDSOR

Passed the 28th day of September, 1987

WHEREAS pursuant to the provisions of paragraph 123 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended from time to time, the Councils of local Municipalities may pass by-laws subject to The Highway Traffic Act, for prohibiting heavy traffic as defined in the by-law, and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night, on certain highways and public places specified in the by-law, and for prohibiting traffic in any but one direction on highways that, in the opinion of the Council, are too narrow for the passing of one vehicle by another, or in which, in the opinion of the Council, it is desirable that traffic should be limited to one direction, and generally for the regulation of traffic on municipal highways; (amended B/L 12597, June 10/96)

AND WHEREAS pursuant to the provisions of Section 110 of the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended from time to time (hereinafter called the "Highway Traffic Act", municipal corporations having jurisdiction over highways may, upon application in writing, grant permits for the moving of heavy vehicles, loads, objects or structures in excess of the dimensional limits set out in Section 109 or the weight limits set out in Part VIII, of the said Act, and may by by-law provide that such permits may be issued by an officer of the municipal corporation named therein; (amended B/L 12597, June 10/96)

AND WHEREAS pursuant to the provisions of subsection (2) of Section 123 of the Highway Traffic Act, municipal corporations having jurisdiction over bridges may by by-law approved by the Ministry of Transportation and Communications limit the gross vehicle weight of any vehicle or any class thereof passing over such bridges; (amended B/L 12597, June 10/96)

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

PART I
INTERPRETATION

1. In this by-law-

- (a) **"Bicycle"** includes tricycles having a wheel or wheels of more than sixty centimetres (60 cm.) in diameter;
 - (a)(i) **"Bicycle Lane"** shall mean a dedicated portion of a road for bicycle use, which is designated by lane markings separating the portion of road used by motor vehicles from the portion used by bicycles; (added B/L 403-2001, Nov.5/2001)
- (b) **"Commercial Motor Vehicle"** means any motor vehicle having permanently attached thereto a truck or delivery body, and includes ambulances, hearses, casket wagons, fire apparatus, police patrols, motor buses, and tractors used for hauling purposes on the highway and any vehicle bearing commercial license plates;
- (ba) **"Community Safety Zones"** means a highway or part of highway that is identified by "Community Safety Zone" signs as prescribed in regulations under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and where public safety is of special concern and fines have been increased for certain traffic violations; (added B/L 94-2000, Apr.3/2000, approved by MTO August 17/2000)
- (c) **"Corporation"** shall mean The Corporation of the City of Windsor;
- (d) **"Council"** shall mean the Council of the Corporation;
- (e) **"Crosswalk"** shall mean that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the roadway or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface;
- (f) **"Curb"** shall include the edge of the travelled portion of the highway;
- (fa) **"Electric Kick-scooter (E-scooter)"** shall mean an electric kick-scooter as defined by the Highway Traffic Act, R.S.O. 1990, c.H-8 as amended. (added B/L 62-2020, May 4/2020)
- (g) **"Gross Weight"** shall mean the combined weight of the vehicle and load;
- (h) **"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, alley, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles;
- (i) **"Intersection"** shall mean the area embraced within the prolongation or connection of the lateral curb lines or if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other;
- (j) **"Motorcycle"** means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels in contact with the ground, and including a bicycle with a motor attached and a motor scooter;
- (k) **"Municipality"** shall mean the Municipality of the City of Windsor;
- (l) **"Operator"** shall mean any person who operates or who is in charge of a vehicle upon a highway;
- (m) **"Pedestrian"** includes a person with a physical disability requiring a personal mobility device and a child in a baby carriage. (substituted B/L 11778, Mar.28/94);
- (ma) **"Pedestrian Crossover"** means any portion of a roadway, as designated by this by-law at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by regulations passed pursuant to the Highway Traffic Act. (added B/L 10103, Jan.29/90; amended B/L 12597, June 10/96)
- (n) **"Police Officer"** shall mean a member of the Windsor Police Service of the City of Windsor;
- (n)(i) **"Registered Gross Weight"** shall mean the gross weight of the vehicle that is registered on the vehicle permit. (added B/L 402-2001, Nov.5/2001)

- (n)(ii) **Gross Vehicle Weight Rating**" shall mean the gross weight of the vehicle that is listed on the manufacturers sticker adhered to a vehicle's door or body.(added B/L 15-2009, Jan.26/09)
- (na) **"Skateboard"** shall mean a board with rollers or wheels attached thereto and operated without a steering device and by balancing upon such board and shall include articles known as surf boards or surfing boards. (added B/L 9965, Oct. 2/89)
- (nb) **"Power Assisted Bicycle (e-bike)"** shall mean a power assisted bicycle as defined by the Highway Traffic Act, R.S.O. 1990, cH-8 as amended. (ADDED B/L 135-2012 OCT 1/12)
- (o) **"Stop (when required)"** shall mean a complete cessation of movement;
- (o) l **"School Zone"** shall mean a portion of a Highway that adjoins the entrance to or exit from a school and that is within 150 metres along the Highway in either direction beyond the limits of the land used for the purposes of the school and that has been designated by the Corporation pursuant to Section 128(5) of the Highway Traffic Act, R.S.O. Chapter H.8 (ADDED B/L 183-2016 DEC 12/16)
- (p) **"Stop or Stopping (when prohibited)"** shall mean the coming to rest of a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer or traffic control signal or traffic sign;
- (q) **"Traffic"** shall include pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for the purposes of travel;
- (r) **"Traffic Control Device"** means any sign, or roadway, curb or sidewalk marking, or other device erected or placed under the authority of the Council for the purpose of guiding or directing traffic;
- (s) **"Trailer"** means any vehicle that is at any time drawn upon the highway by a motor vehicle, except an implement of husbandry and other motor vehicles, and any device or apparatus that is not designed to transport persons or property temporarily drawn, propelled or moved upon such highway, and except a sidecar attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
- (t) **"U-Turn"** means a turning of a vehicle within a highway so as to proceed in the opposite direction;
- (u) **"Vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but not including the cars of electric or steam railways running only upon rails;
- (v) **"Cul-de-sac"** shall mean that part of a highway open at one end only, with special provisions for turning around by a vehicle;
- (w) **"Unauthorized Motor Vehicle"** means a vehicle that does not have affixed thereto a current permit issued under the provisions of this by-law.
- (x) **"Wheelchair"** means a chair mounted on wheels driven by muscular or any other kind of power used for the carriage of a person who has a physical disability or requires mobility assistance. ("fauteuil roulant") (added B/L 60-2005, March 21/05)

2. Where any expression of time occurs or any hour or other period of time is stated, the time referred to shall be standard time or Daylight Saving time, whichever shall be proclaimed to be in effect in the Municipality.

PART II OBEDIENCE TO POLICE OFFICERS

3. In the event of highway construction, repairs, or maintenance, erection or placement of traffic control devices, or in the event of a fire or other emergency, or during a parade or other concourse of traffic, traffic may be directed by any police officer or by signs erected or placed at the direction of the Chief of Police of the City of Windsor as conditions require, and it shall be a violation of this by-law for any person to disobey or refuse to comply with the orders, signal or direction of such police officer or

such sign.

PART III
TRAFFIC SIGNS, PAVEMENT MARKINGS AND SIGNALS
(amended B/L 99-2002, Apr.2/2002)

4. (1) The Executive Director of Operations of the Corporation (or his designate) is hereby authorized to place or erect, and to maintain such signs and pavement markings as may be necessary to give effect to the provisions of this by law, or as are required to warn or guide traffic for the safety or convenience of the public. (amended B/L 99-2002, Apr.2/2002)

(2) (a) The Executive Director of Operations of the Corporation (or his designate) is hereby designated to approve the erection or installation of all traffic signal systems or traffic control signals used in conjunction with a traffic control signal system, provided, however, that approval must be obtained from the Minister or an official of the Ministry of Transportation Ontario authorized by the Minister to grant such approval where said works are erected or installed on a highway designated as a connecting link under subsection 21(1) of the Public Transportation and Highway Improvement Act.

(b) No person shall erect or install a traffic control signal used in conjunction with a traffic control system without approval from the Executive Director of Operations (or his designate). (substituted B/L 12987, June 16/97)

5. No person shall place, maintain or display upon or in view of any road any sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control device or which conceals from view or interferes with the effectiveness of any traffic control device

6. No person shall wilfully or deliberately move, alter, deface or otherwise interfere with any traffic control device erected or placed pursuant to the provisions of this by-law.

PART IV
DRIVING RULES

7. (1) (a) No operator of a vehicle shall permit such vehicle to remain upon or be driven upon or along any street so as to block or obstruct traffic.
- (b) No operator of a vehicle shall permit such vehicle to be so overloaded that the horse or horses or motor power shall be unable to move it at a reasonable rate of speed.
- (2) Whenever a vehicle becomes stalled or for any reason cannot be moved by its ordinary motive power, and in consequence thereof a street is obstructed, the owner or operator of such vehicle shall cause the prompt removal thereof by towing or otherwise.
- (3) No person shall drive any vehicle into or out of any alley, lot, stable, garage or driveway unless he first gives a warning signal.
- (4) (a) No vehicle shall be reversed or backed unless the operator thereof has first ascertained by observation that such movement may be safely made.
- (b) (i) No vehicle shall be reversed or backed without the operator thereof first having given an unmistakable warning signal to pedestrians and approaching vehicles.
- (ii) In no case shall a vehicle be reversed or backed around a corner at an intersection unless preceded by an operator's helper to observe that such movement may be made safely.
- (5) (a) No operator of a vehicle shall drive such vehicle on, over or across any fire hose laid on any street unless directed so to do by the person in charge of such a hose, or by a police officer.
- (b) (i) Any member of the Fire and Rescue Service may in the course of duty direct traffic on any street.
- (ii) No person shall disobey the directions of any such member of such Fire and Rescue Service.
- (6) Unless otherwise directed by a police officer, no person shall drive a vehicle on any portion of a street which is barricaded or otherwise indicated to be closed to traffic for the time being.
- (7) No operator of a vehicle shall make a U-turn on any street, except where there is a middle

boulevard or median dividing the roadway, and a turn is made at a crossing of such boulevard or median provided for vehicles, and without contravening any of the provisions of this by-law.

- (8) (a) No person shall drive a vehicle upon a sidewalk or footpath on a street except for the purpose of directly crossing the sidewalk or footpath, where such crossing is permitted.
- (b) No person shall drive a vehicle over a raised curb except at a place where there is a ramp, without the consent of the Corporation.

PART V GENERAL RULES

8. (a) No person shall ride or drive any horse or horses upon a sidewalk within the Municipality unless the permission in writing of the Executive Director of Operations of the Corporation shall have been first obtained.

(b) No person shall drive any cattle, sheep, pigs or other animals on any highway or sidewalk within the Municipality unless permission in writing of the Executive Director of Operations of the Corporation shall first have been obtained. (substituted B/L 12987, June 16/97)

9. No person shall operate slow moving construction or farming equipment, a horse, a vehicle drawn by a horse, a motorcycle having a cylinder swept volume of 50 cubic centimeters or less, a motorcycle driven by electricity stored in the vehicle, a motor assisted bicycle or a wheelchair on any portion of the E.C. Row Expressway or Dougall Parkway (between Howard Avenue and Sixth Concession Road) with the exception of those vehicles used in the maintenance of the Expressway. (substituted B/L 12987, June 16/97; amended B/L 11-1999, Jan-18/99) (Deleted B/L 62-2020, May 4/2020)

9. No person shall operate slow moving construction or farming equipment, a horse, a vehicle drawn by a horse, a motorcycle having a cylinder swept volume of 50 cubic centimeters or less, a motorcycle driven by electricity stored in the vehicle, a motor assisted bicycle, an electric kick-scooter (e-scooter) or a wheelchair on any portion of the E.C. Row Expressway or Dougall Parkway (between Howard Avenue and Sixth Concession Road) with the exception of those vehicles used in the maintenance of the Expressway. (Added B/L 62-2020, May 4/2020)

10. No person shall permit any animal or fowl to run at large on any highway.

11. No vehicle shall be drawn, hauled, driven, propelled or be used on, over, or along any boulevard, sidewalk, pathway or footpath used by or set aside for the use of pedestrians and forming part of any highway, or being in or upon any park, park lot, boulevard, garden or other place set apart for ornamental embellishment or public recreation within the Municipality; provided, however, it shall not be an offence under this section for a vehicle to cross over any such sidewalk, pathway or footpath where they intersect any alley, main road or driveway, or for a vehicle to be drawn, hauled, driven, propelled or used on, over or along that part of any park upon which vehicular traffic is permitted. *If compliance would be impracticable Section 11 does not apply to the following vehicles:*

- A) Ambulances, Police or Fire service vehicles actively engaged in the line of duty, including authorized vehicles responding to emergencies.
- B) Vehicles actually and actively engaged in works undertaken for or on behalf of,
 - 1) The City of Windsor, or Transit Windsor
 - 2) A public utility, including utilities providing telecommunications, energy, or water supply.

Operators of the above mentioned exempt vehicles shall, be cognizant of the safety of pedestrians and other users of the sidewalks or pathways and operate the vehicle in a safe manner. (added B/L 186-2008, Oct.21/08)

11(a). A wheelchair, as defined in Part I, shall be allowed to utilize any City sidewalk for its' intended use in assisting a person who has a physical disability or requires mobility assistance. Those utilizing a wheelchair shall be cognizant of the safety of pedestrians and other users of sidewalks, and operate the wheelchair in a safe manner. (added B/L 60-2005, March 21/05)

12. No person shall obstruct, encumber, injure or foul any highway or portion thereof.

13. No person shall erect or maintain any fence on any highway and no firewood or other thing calculated to obstruct any highway, or to obstruct or interfere with public travel thereon shall be placed or deposited thereon.

14. No person shall ride in or on or operate, and no person shall permit any person to ride in or on any motor vehicle while standing or sitting on the running boards thereof, or on any portion of the vehicle not designed for the carrying of passengers or merchandise.

15. No person shall coast or slide by the use of any hand-sleigh or any tobaggan on any street.
16. No person shall intersect a funeral cortege or other procession without the permission and direction of a police officer or other person in charge of such procession.
17. (1) The provisions of this by-law regulating the stopping of vehicles shall not apply to the Fire and Rescue or Windsor Police Service vehicles, or to any ambulance while it is responding to a call, but this exemption shall not excuse a driver of any such vehicle from exercising due and proper care for the safety of other traffic.
17. (2) The operator of every such vehicle while responding to an emergency call shall sound or cause to be sounded continuously his siren, exhaust, whistle or bell attached to such vehicle.

PART VI
PEDESTRIAN RIGHTS AND DUTIES

18. (1) No pedestrian shall cross diagonally any street or intersection.
- (2) Every pedestrian shall keep to the right when walking on sidewalks.
19. No pedestrian shall proceed over or under a barrier permanently installed at a safety zone or on a sidewalk.
20. No person shall play or take part in any game or sport upon a highway.
21. ~~No person shall use any toy, wagon, coaster, tricycle, or roller skates upon a highway other than a sidewalk or on a footpath otherwise reserved for pedestrians. (substituted B/L 9965, Oct. 2/89; amended B/L 10242, Apr.30/90)(DELETED B/L 4-2015 JAN 5/15)~~

No person shall use any wagon, coaster, tricycle or roller blades upon a highway where sidewalks exist (ADDED B/L 4-2015 JAN 5/15)

- 21a. No person shall use a skateboard on:
- (i) the roadways and sidewalks in the area lying between Erie Street and the Detroit River and lying between Pelissier Street and Goyeau Street; and (amended B/L 12717, Oct.21/96)
- (ii) the Expressways, Class I Arterials, Class II Arterials, Scenic Parkway and Class I Collectors as set out in Schedule "O" to this by-law. (added B/L 9965, Oct. 2/89; amended B/L 10242, Apr.30/90; amended B/L 12987, June 16/97)

21(b). Pedestrians are prohibited from using any part of the E. C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road) save and except when such person is engaged in Police duties, highway maintenance, highway construction or an emergency. (added B/L 10325, June 18, 1990; deleted B/L 12286, Aug.14/95; added B/L 12987, June 16/97; amended B/L 11-1999, Jan.18/99)

PART VII
REGULATIONS RE BICYCLES (DELETED B/L 4-2015)
REGULATIONS RE BICYCLES AND/OR POWER ASSISTED BICYCLES (E-BIKES)
(ADDED B/L 4-2015 JAN 5/15) (Deleted B/L 62-2020, May 4/2020)
REGULATIONS RE-BICYCLES, POWER ASSISTED BICYCLES (E-BIKES), AND/OR
ELECTRIC KICK-SCOOTERS (E-SCOOTERS) (Added B/L 62-2020, May 4/2020)

22. (1) ~~A person operating a bicycle upon a highway shall ride as near the righthand side of the highway as practicable, and shall exercise due care when passing a standing vehicle or one proceeding in the same direction.(DELETED B/L 4-2015 JAN 5/15)~~
- (1) ~~A person operating a bicycle or power assisted bicycle (e-bike) upon a highway shall ride as near the righthand side of the highway as practical, and shall exercise due care when a standing vehicle or one proceeding in the same direction (ADDED B/L 4-2015 JAN 5/15) (Deleted B/L 62-2020, May 4/2020)~~
- (1) A person operating a bicycle or power assisted bicycle (e-bike) upon a highway shall ride as near the righthand side of the highway as practical, and shall exercise due care when a standing vehicle or one proceeding in the same direction. (Added B/L 62-2020, May 4/2020)

- (2) ~~Persons operating bicycles upon a highway shall ride in single file, except when passing another vehicle. (DELETED B/L 4-2015 JAN 5/15)~~
- (2) ~~Persons operating bicycles or power assisted bicycles (e-bikes) upon a highway shall ride in a single file, except when passing another vehicle (ADDED B/L 4-2015 JAN 5/15) (Deleted B/L 62-2020, May 4/2020)~~
- (2) Persons operating bicycles, power assisted bicycles (e-bikes) or electric kick-scooters (e-scooters) upon a highway shall ride in a single file, except when passing another vehicle. (Added B/L 62-2020, May 4/2020)
23. ~~No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping both hands on the handlebars. (DELETED B/L 4-2015 JAN 5/15)~~
23. No person operating a bicycle or power assisted bicycle (e-bike) shall carry any package, bundle or article which prevents the rider from keeping both hands on the handle bars (ADDED B/L 4-2015 JAN 5/15)
24. ~~No person shall park a bicycle on a road except in such a manner as to cause the least possible obstruction to pedestrians or vehicular traffic. (DELETED B/L 4-2015 JAN 5/15)~~
24. ~~No person shall park a bicycle or power assisted bicycle (e-bike) on a road except in a manner as to cause the least possible obstruction to pedestrians or vehicular traffic (ADDED B/L 4-2015 JAN 5/15) (Deleted B/L 62-2020, May 4/2020).~~
24. No person shall park a bicycle, power assisted bicycle (e-bike) or electric kick-scooter (e-scooter) on a road except in a manner as to cause the least possible obstruction to pedestrians or vehicular traffic. (Added B/L 62-2020, May 4/2020)
25. (1) ~~No person shall ride a bicycle with a wheel or wheels more than sixty centimetres (60 cm.) in diameter upon a sidewalk. (deleted B/L 135-2012 Oct 1/12)~~
- (1) ~~No person shall ride a bicycle with a wheel or wheels more than sixty centimetres (60 cm) in diameter or a Power Assisted Bicycle (e-bike) upon a sidewalk (ADDED B/L 135-2012 OCT 1/12) (Deleted B/L 62-2020, May 4/2020)~~
- (1) No person shall ride a bicycle with a wheel or wheels more than sixty centimeters (60 cm) in diameter, a Power Assisted Bicycle (e-bike), or an electric kick-scooter (e-scooter) upon a sidewalk. (Added B/L 62-2020, May 4/2020)
- (2) ~~No person shall operate a bicycle on the E. C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road). (substituted B/L 12987, June 16/97; amended B/L 11-1999, Jan. 18/99) (DELETED B/L 135-2012 OCT 1/12)~~
- (2) ~~No person shall operate a bicycle or a Power Assisted Bicycle (e-bike) on the E. C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road (ADDED B/L 135-2012 OCT 1/12) (Deleted B/L 62-2020, May 4/2020)~~
- (2) No person shall operate a bicycle, Power Assisted Bicycle (ebike), or an electric kick-scooter (e-scooter) on the E.C. Row Expressway or Dougall Parkway between Roseland Drive East and Sixth Concession Road. (Added B/L 62-2020, May 4/2020)
- (3) No person shall operate a Power Assisted Bicycle (e-bike) on a pathway shared by pedestrians and bicycles or on a pedestrian trail. (ADDED B/L 64-2013 MAY 6/13)
- (4) No person shall operate an electric kick-scooter (e-scooter) on a highway with a speed limit greater than 50 kilometers per hour. (Added B/L 62-2020, May 4/2020)
- A. ~~The highways set out in column 1 of Schedule "R" hereof, between the limits set out in Column 2 of Schedule "R" hereof are hereby designated as "Bicycle Lanes" and are solely for the use of bicycles. (added B/L 403-2001, Nov./2001) (DELETED B/L 4-2015 JAN 5/15)~~
- B. i. Subject to section 25 C., no person shall operate a vehicle other than a bicycle in any lane or portion of a lane designated under Schedule "R" except. (DELETED B/L 135-2012 OCT 1/12)
- Subject to section 25C no person shall operate a vehicle other than a bicycle or a Power Assisted Bicycle (e-bike) in any lane or portion of a lane designated under Schedule "R" except. (ADDED B/L 135-2012 OCT 1/12) (DELETED B/L 4-2015 JAN 5/15)

~~Subject to section 25c no person shall operate a vehicle other than a bicycle or a power assisted bicycle (e-bike) in any lane or portion of a bicycle lane when properly worded or marked signs have been erected and are on display except:~~
~~(ADDED B/L 4-2015 JAN 5/15) (Deleted B/L 62-2020, May 4/2020)~~

Subject to section 25c no person shall operate a vehicle other than a bicycle, power assisted bicycle (e-bike), or electric kick-scooter in any lane or portion of a bicycle lane when properly worded or marked signs have been erected and are on display except: **(Added B/L 62-2020, May 4/2020)**

- (1) For the purpose of ingress to or egress from a private lane or driveway adjacent to the designated lane;
 - (2) For the purpose of making a turn at a highway intersecting the designated lane;
 - (3) For the purpose of entering or exiting a curb lane used for parking;
 - (4) For the purpose of actually being engaged in the loading or unloading of disabled persons as defined in the Highway Traffic Act and its regulations; or
 - (5) For the purpose of a school bus actively engaged in the picking up or dropping off school children.
- ii. A person operating a vehicle in a designated lane for the purposes set out in Subsection I (1), (2), (3) and (4) shall not operate the vehicle in the lane for a distance exceeding forty-five (45) metres. **(added B/L 403-2001, Nov./2001)**

~~C. Section 25 B. does not apply to the following vehicles which are driven or stopped in any lane or portion of a lane designated under Schedule "R": (DELETED B/L 4-2015 JAN 5/15)~~

Section 25B does not apply to the following vehicles which are driven or stopped in any lane or portion of a bicycle lane when properly worded or marked signs have been erected and are on display **(ADDED B/L 4-2015 JAN 5/15)**

- i. Emergency vehicles, being vehicles operated to assist in fire fighting and fire prevention, ambulances, and vehicles operated by the Windsor Police Service.
- ii. Public transit motor vehicles owned and operated by the Transit Windsor as part of its regular public transportation service.
- iii. Vehicles actually engaged in works, undertaken for or on behalf of The Corporation of the City of Windsor, Transit Windsor or a public utility, including utilities providing telephone, natural gas or cable television services. **(added B/L 403-2001, Nov./2001)**

PART VIII TRAFFIC MOVEMENTS

26. (1) The highways set out in Column 1 of Schedule "A" hereof, between the limits set out in Column 2 of Schedule "A" hereof, are hereby designated as "THROUGH HIGHWAYS". **(substituted B/L 11189, Oct.19/92)**
26. (2) The designation in subsection 1 of this section, of a highway or part of a highway as a THROUGH HIGHWAY, shall not include any intersection where the highway intersected is a King's Highway or where traffic control signals are installed. **(substituted B/L 11189, Oct.19/92)**
27. The intersections set out in Column 1 of Schedule "B" hereof, are designated as intersections where STOP SIGNS shall be erected at the locations shown in Column 2 of Schedule "B" hereof. **(substituted B/L 11189, Oct.19/92)**
28. The intersections set out in Column 1 of Schedule "C" hereof, are designated as intersections where YIELD SIGNS shall be erected at the locations shown in Column 2 of Schedule "C" hereof. **(substituted B/L 11189, Oct.19/92)**
29. The portions of highways set out in Column 1 of Schedule "D" hereof, at the locations named in Column 2 of Schedule "D" hereof, are designated as PEDESTRIAN CROSSOVERS. **(substituted B/L 11189, Oct.19/92)**
30. Where properly worded or marked signs have been erected and are on display, the highways set out in Schedule "E" hereof are hereby designated as "ONE WAY STREETS".
31. When properly worded or marked signs have been erected and are on display, no operator of a

vehicle, other than of a bus of a public transportation system, while proceeding in the direction or directions on the highways or at the intersections set out in Schedule "F" hereof shall effect the turns prohibited therein during the times stated.

32. When properly worded or marked signs have been erected and are on display, the operator of a vehicle, other than of a bus of a public transportation system, while proceeding in the direction or directions on the highways or at intersections set out in Schedule "G" hereof shall effect the turns permitted therein during the time stated.

32A. That parts of the highway set out in column 1 of Schedule "D" at the intersection or location set out in column 2 of the said Schedule are hereby designated as Pedestrian Crossovers. (added B/L 10103, Jan. 29/90; amended B/L 11658, Dec.6/93)

PART IX TRUCK ROUTES

33. (1) The highways set out in Schedule "H" to this by-law are hereby designated as "TRUCK ROUTES".
- (2) When properly worded or marked signs have been erected and are on display, no vehicle having a gross vehicle weight rating or registered gross weight of four thousand five hundred kilograms (4,500 kg.) or more shall be operated on any highway in the City of Windsor other than the highways set out in Schedule "H" hereof, provided however – (amended B/L 402-2001, Nov.5/2001)(deleted and replaced B/L 15-2009, Jan.26/09)
- (a) that any commercial vehicle may be operated on any highway in the City of Windsor for the purpose of delivering or receiving, loading or unloading of goods, wares or merchandise, or in proceeding to or from a garage or other premise for the housing or repair of such motor vehicle and provided that -
- (i) such deviation shall be made at a point on one of the said truck routes nearest by road where the service is performed, and -
- (ii) on completion of the conduct of such business, such vehicle shall return by the shortest route to the nearest established truck route.
- (b) Such vehicles shall not be parked at any time on any highway or portion of highway other than the highways set out in Schedule "H" to this by-law.
- (3) The provisions of sub-section 2 of this section shall not apply to vehicles owned by the Corporation or to emergency vehicles, vehicles of a public transit system or to coal and oil trucks on delivery, or to a privately-owned commercial vehicle proceeding to and from the residence of the owner. (substituted B/L 10790, Sept. 9/91)
- (4) (a) When authorized Signs have been erected and are on display, the provisions of Subsections 1, 2, 3 and 4 of Section 122 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended from time to time, apply to the Highways named in Column 1 of Schedule "S" to this by-law, from the location or Highway named and/or described in Column 3 of the said Schedule, for the period from the 1st day of March to the 30th day of April, both dates inclusive, in each and every year.
- (b) If deemed necessary by the Executive Director of Operations, or any successor thereof, the period of the load restriction in Section 33(4)(a) may be extended to commence from the 1st day of February. (Section 4(a) and (b) added B/L 347-2003, Oct. 20/03)
- 33(4)(a) When authorized signs have been erected and are on display, the provisions of Subsections 1,2,3 and 4 of Section 122 of The Highway Traffic Act, R.S.O. 1990, c.H8 as amended from time to time, apply to the Highways named in Column 1 of Schedule "S" to this by-law, from the location or Highway named and/or described in Column 3 of the said Schedule, for the period from the 1st day of March to the 30th day of April, both dates inclusive, each and every year (ADDED B/L 2-2014 JANUARY 6, 2014)
34. (1) (repealed B/L 11574, Sept. 20/93)
- (2) (substituted B/L 9475, Aug. 2/88; repealed B/L 12149, Mar. 20/95)
- (3) The provisions of Sub-section (2) of this section shall not apply to vehicles owned by the Corporation or Transit Windsor.
- (4) (added B/L 9540, Sept. 26/88; deleted B/L 402-2001, Nov.5/2001)

- (5) (added B/L 9669, Jan. 23/89; repealed B/L 11658, Dec.6/93)

PART X
SPEED ZONES

35. No person shall drive a vehicle at a rate of speed greater than,
- (1) Twenty (20) kilometres per hour on the streets or portions of the street hereinafter set out in Schedule "I" hereof pursuant to the powers granted to the Council by Section 128(4) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12589, June 3, 1996)
 - (2) Thirty (30) kilometres per hour on the streets or portions of the streets set out in Schedule "N" hereof pursuant to the powers granted to the Council by Section 128(4) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (repealed B/L 11658, Dec.6/93; inserted B/L 12589, June 3/96)
 - (3) Forty (40) kilometres per hour on the streets or portions of streets set out in Schedule "J" hereof pursuant to the powers granted to the Council by Section 128(2) and (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12589, June 3, 1996)
 - (4) Sixty (60) kilometres per hour on the streets or portions of streets set out in Schedule "K" hereof pursuant to the powers granted to the Council by Section 128(2) and (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12589, June 3, 1996)
 - (5) Seventy (70) kilometres per hour on the streets or portions of streets set out in Schedule "L" hereof pursuant to the powers granted to the Council by Section 128(2) and (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12589, June 3, 1996)
 - (6) Eighty (80) kilometres per hour on the streets or portions of streets set out in Schedule "M" hereof pursuant to the powers granted to the Council by Section 128(2) and (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12589, June 3, 1996)
 - (7) One Hundred (100) kilometres per hour on the streets set out in Schedule "P" hereof pursuant to the powers granted to Council by Section 128(2) and (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (substituted B/L 12987, June 16/97)
 - (8) Fifty (50) kilometres per hour on any street other than on those streets as set out in accordance with the provisions of subsections (1), (2), (3), (4), (5), (6) or (7). *Highway Traffic Act, R.S.O. 1990, Chapter H.8.* (added B/L 12987, June 16/97)

36. 1. The streets or portion of street set out in Schedule "T" hereof are designated as School zones (**ADDED B/L 183-2016 DEC 12/16**)
2. Notwithstanding section 35, on the streets or portions of streets set out in Schedule "T" hereof, no person shall drive a vehicle at a rate of speed greater than that specified therein during the times specified therein pursuant to the powers granted to the Council by Section 128(5) of the *Highway Traffic Act, R.S.O. 1990 Chapter H.8.* (**ADDED B/L 183-2016 DEC 12/16**)

PART XI
PERMITS

- 37.. (1) The Executive Director of Operations of the Corporation is hereby appointed and authorized to issue on behalf of the Corporation permits under Section 110 of the Highway Traffic Act with full power and authority to grant or refuse any such permit to the extent which the Corporation has now or may have under the said Section or any amendment. (**amended B/L 12597, June 10/96**)
- (2) A permit granted under this Section may be general or may limit the time and particular highway which may be used, and may contain any special conditions which are deemed necessary by the said Executive Director of Operations for the protection of the said highway from injury, and he may require a bond sufficient to defray the expense of repairing any possible damage to the said highway resulting from its use as set out in the said permit.
- (3) No person shall move or cause to be moved on any highway within the municipality any heavy vehicle, load, object or structure in excess of the dimensional limits set out in Section 109, or the weight limits set out in Part VIII of The Highway Traffic Act, as amended, unless he shall have first obtained a permit under this section so to do. (**amended B/L 12597, June 10/96**)

PART XII
APPLICATION AND ADMINISTRATION

38. This by-law applies only to highways under the jurisdiction of The Corporation of the City of Windsor.

38(a)The Executive Director of Operations (or designate) is hereby authorized to designate a highway under the jurisdiction of the City of Windsor as a construction zone and to designate speed limits for construction zones (**ADDED B/L 84-2013 JUNE 4/13**)

39. Schedules "A" to "S" inclusive, annexed hereto, shall form part of this By-law and each entry in a column of such Schedule shall be read in conjunction with the entry or entries across therefrom and not otherwise. (**amended B/L 10242, Apr.30/90; amended B/L 12987, June 16/97; amended B/L 403-2001, Nov.5/2001**)(**deleted & added B/L 8-2006, Jan.30/06**)

40. Members of the Windsor Police Service of the City of Windsor shall have the duty of enforcing the provisions of this by-law.

40a. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not more than **One Thousand Dollars (\$1,000.00)**, exclusive of costs, and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as may be amended from time to time. (**B/L 9965, Oct. 2/89; B/L 10800, Sept.30/91; B/L 12597, June 10/96**)

40b. Every person who contravenes Section 21a of this by-law is liable to a fine of not more than **Twenty Dollars (\$20.00)**, exclusive of costs, and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as may be amended from time to time. (**added B/L 9965, Oct. 2/89; amended B/L 12597, June 10/96**)

41. That By-law Number 6683 be and the same is hereby repealed.

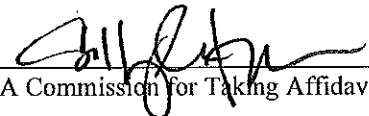
42. That this by-law shall come into force and effect on the 1st day of October, 1987.

"D. A. Burr"
MAYOR

"Thomas Lynd"
CLERK

First Reading - September 28, 1987
Second Reading- September 28, 1987
Third Reading - September 28, 1987

This is Exhibit "D" referred to in the Supplemental Affidavit of **JASON WARD REYNAR** sworn before me, this 11th day of February, 2022.


A Commission for Taking Affidavits

SHELBY ASKIN HAGER
Commissioner, Legal & Legislative Service, The
Corporation of the City of Windsor

(amended By-law 19-2017, Feb. 6/17)

B Y - L A W N U M B E R 233-2001

A BY-LAW TO PROHIBIT EXCESSIVE IDLING
OF VEHICLES AND BOATS

Passed the 18th day of June, 2001.

WHEREAS subsection 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes a municipal council to pass a by-law respecting the health, safety and well-being of persons, and the economic, social and environmental well-being of the municipality;

AND WHEREAS motor vehicles are a major source of nitrogen oxides, carbon monoxide, carbon dioxide, sulphur dioxides and volatile organic compounds (air pollutants) into the outdoor air in the City of Windsor;

AND WHEREAS the levels of air pollutants from vehicle emissions in the City of Windsor are associated with various adverse health effects, including cancer and acute and chronic effects on respiratory health, especially among the very young, the elderly and those with respiratory ailments;

AND WHEREAS the City of Windsor is supportive of recent global, Federal and Provincial initiatives to reduce emissions that may contribute to climate change and poor air quality;

AND WHEREAS under section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, by-laws may be passed by Council for providing that any person who contravenes any by-law of Council passed under the authority of the *Municipal Act, 2001*, S.O. 2001, c. 25 is guilty of an offence;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:
(Preamble deleted & substituted – B/L 19-2017, Feb. 6/17)

1. As used in this by-law, the following terms shall have the meanings indicated:
 - (1) BOAT – A ship or any other description of vessel not propelled by oars and includes a boat used exclusively for towing purposes, a water taxi and a boat used on water for living purposes;
 - (1.1) COMMERCIAL MOTOR VEHICLE – means a motor vehicle having permanently attached thereto a truck or delivery body, and includes ambulances, hearses, casket wagons, fire apparatus, tow trucks, buses and tractors used for hauling purposes on the highways, and any vehicle bearing commercial license plates; (Added – B/L 19-2017, Feb. 6/17)
 - (1.2) CORPORATION – means The Corporation of the City of Windsor;
(Added – B/L 19-2017, Feb. 6/17)
 - (1.3) DRIVE-THROUGH – means the uses of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a lane designated for that purpose; (Added – B/L 19-2017, Feb. 6/17)
 - (2) IDLE – means the operation of the engine of a Boat, Motor Vehicle or Commercial Motor Vehicle while the Boat, Motor Vehicle or Commercial Motor Vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the Boat, Motor Vehicle or Commercial Motor Vehicle, and “idling” has a corresponding meaning;
(Deleted & substituted – B/L 19-2017, Feb. 6/17)

- (3) ~~LAYOVER — A stopping point along a transit route for a maximum of fifteen (15) minutes used by transit vehicles to allow transit vehicles to adjust to service schedules. (Deleted – B/L 19-2017, Feb. 6/17)~~
- (3.1) LIVERY VEHICLE – means a vehicle, other than a taxicab, used for hire for the conveyance of passengers and available for hire by the general public; **(Added – B/L 19-2017, Feb. 6/17)**
- (4) MOBILE WORKSHOP:
 - (a) A vehicle containing equipment that must be operated inside or in association with the vehicle; or
 - (b) A vehicle serving as a facility for taking measurements or making observations operated by or on behalf of a municipality, public utility or police, fire or ambulance service;
- (4.1) MOTOR VEHICLE – includes an automobile, a motorcycle, a motor-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine, as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, and includes Taxicabs and Livery Vehicles; **(Added – B/L 19-2017, Feb. 6/17)**
- (5) OFFICIAL – means a police officer, police cadet, municipal law enforcement officer, Provincial Offences Officer or any person authorized to enforce this by-law; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
- (5.1) PARKING LOT – means a private or municipal parking area to which the public has access whether on payment of a fee or otherwise; **(Added – B/L 19-2017, Feb. 6/17)**
- (5.2) PROVINCIAL OFFENCES OFFICER – means any employee of the Corporation who is duly appointed by the Council of the Corporation, for the purpose of enforcing the provisions of the Corporation's by-laws; **(Added – B/L 19-2017, Feb. 6/17)**
- (5.3) SCHOOL BUS – means a school bus as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H.8. **(Added – B/L 19-2017, Feb. 6/17)**
- (6) ~~STOPOVER — A scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedule; (Deleted – B/L 19-2017, Feb. 6/17)~~
- (6.1) TAXICAB – means a vehicle, other than a car-pool vehicle, having a seating capacity of not more than six (6) people, not including the driver, hired for one specific trip for the transportation of one person or group of persons, with one fare or charge being collected or made for the trip; **(Added – B/L 19-2017, Feb. 6/17)**
- (6.2) TOW TRUCK – means a vehicle used for hire for towing or otherwise conveying a vehicle; **(Added – B/L 19-2017, Feb. 6/17)**
- (6.3) TRAFFIC CONTROL DEVICE – means any sign, or roadway, curb or sidewalk marking or other device erected or placed under the authority of the Council for the purpose of guiding or directing traffic; **(Added – B/L 19-2017, Feb. 6/17)**
- (7) TRANSIT VEHICLE – means buses owned and operated by Transit Windsor and School Buses; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**

- (8) ~~VEHICLE — A motor vehicle, trailer, traction engine, farm tractor or road building machine as defined in the Highway Traffic Act and any vehicle drawn, propelled or driven by any kind of non-muscular power, but does not include cars of electric or diesel electric railways running only upon rails; (Deleted — B/L 19-2017, Feb. 6/17)~~

2. (1) . No person shall cause or permit a Motor Vehicle, a Commercial Motor Vehicle or a Boat to idle for more than three (3) continuous minutes (180 seconds);
(Deleted & substituted — B/L 19-2017, Feb. 6/17)

(2) Subsection 2 (1) does not apply to:

- (a) Police, fire or ambulance vehicles or boats while engaged in operational activities, including training activities; (Deleted & substituted — B/L 19-2017, Feb. 6/17)
- (b) Motor Vehicles, Commercial Motor Vehicles and Boats assisting in an emergency activity; (Deleted & substituted — B/L 19-2017, Feb. 6/17)
- (c) Boats not at anchor or tied to a dock;
- (d) Mobile workshops while they are in the course of being used for their basic function;
- (e) Motor Vehicles, Commercial Motor Vehicles or Boats where idling is required to repair the Motor Vehicle, Commercial Motor Vehicle or Boat or to prepare the Motor Vehicle, Commercial Motor Vehicle or Boat for service; (Deleted & substituted — B/L 19-2017, Feb. 6/17)
- (f) Armoured vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
- (g) Motor Vehicles, Commercial Motor Vehicles or Boats required to remain motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control; (Deleted & substituted — B/L 19-2017, Feb. 6/17)
- (h) Motor Vehicles, Commercial Motor Vehicles or Boats engaged in a parade or race or any other event authorized by the Council of the Corporation; (Deleted & substituted — B/L 19-2017, Feb. 6/17)
- (i) Transit vehicles; (Deleted & substituted — B/L 19-2017, Feb. 6/17)
- (j) Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator of the vehicle;
- (k) Motor Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons the person requires that the temperature or humidity level be maintained within a certain range and the idling of the Motor Vehicle is necessary to achieve that temperature or humidity level; (Deleted & substituted — B/L 19-2017, Feb. 6/17)
- (l) Motor Vehicles, Commercial Motor Vehicles or Boats when the ambient temperature inside the Motor Vehicle, Commercial Motor Vehicle or Boat is:
 - (i) More than twenty-seven degrees Celsius (27° C); or
 - (ii) Less than five degrees Celsius (5° C.);
 (Deleted & substituted — B/L 19-2017, Feb. 6/17)

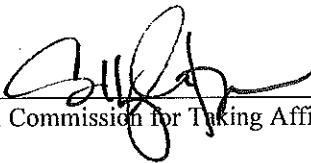
- (m) Motor Vehicles when operating on the traveled portion of a Drive-Through lane; **(Added – B/L 19-2017, Feb. 6/17)**
 - (n) Motor Vehicles or Commercial Motor Vehicles when halting temporarily to obey a Traffic Control Device; **(Added – B/L 19-2017, Feb. 6/17)**
 - (o) Motor Vehicles or Commercial Motor Vehicles when halting temporarily to obey the directions of an Official; **(Added – B/L 19-2017, Feb. 6/17)**
 - (p) Taxicabs or Livery Vehicles when stopping temporarily for the purpose of receiving or discharging persons for a fare; **(Added – B/L 19-2017, Feb. 6/17)**
 - (q) Tow Trucks while hoisting and pulling wrecked or disabled vehicles, or while removing vehicles unlawfully parked; **(Added – B/L 19-2017, Feb. 6/17)**
3. (a) This by-law shall be enforced anywhere within the boundaries of the City of Windsor including, without limiting the generality of the foregoing, all public and private highways as defined in the *Highway Traffic Act*, all municipal and private Parking Lots, parking spaces, driveways and sidewalks.
- (b) The provisions of this by-law shall be enforced by an Official as defined in Section 1. **(Section 3 deleted & Section 3(a)(b) substituted – B/L 19-2017, Feb. 6/17)**
4. Any person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs, and every such fine is recoverable under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended from time to time. **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
5. This by-law shall come into force and take effect on the day of the final passing thereof. **(Added – B/L 19-2017, Feb. 6/17)**

MICHAEL HURST, MAYOR

JOHN SKOROBOHACZ, CITY CLERK

First Reading - June 18, 2001
 Second Reading - June 18, 2001
 Third Reading - June 18, 2001

This is Exhibit "E" referred to in the Supplemental Affidavit of **JASON WARD REYNAR** sworn before me, this 11th day of February, 2022.



A Commission for Taking Affidavits

SHELBY ASKIN HAGER

Commissioner, Legal & Legislative Service, The Corporation of the City of Windsor

BY-LAW NUMBER 25-2010

A BY-LAW TO PROVIDE FOR THE PROTECTION
OF HIGHWAYS IN WINDSOR

Passed the 1st day of February, 2010

Amended the 4th day of May, 2020

WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that municipalities may pass By-laws respecting public assets of the municipality, the health, safety and well-being of Persons and for the protection of property;

AND WHEREAS section 110 of the Highway Traffic Act, R.S.O. 1990, c. H.8 as amended, provides that municipalities may pass by-laws to permit the use of the highway by a vehicle, load or structure that is in excess of the dimensional limits or weight limits set out in the said Act, and such permits may be issued by an officer of the municipality named therein;

AND WHEREAS Council deems it necessary and desirable to pass a By-law providing for the protection of highways in Windsor;

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

Part 1- Definitions

1. In this By-law,

"City Engineer" means the person appointed by the Council of The Corporation of the City of Windsor as the City Engineer, and his or her designate.

"Corporation" means The Corporation of the City of Windsor.

"Contravener" means a Person who is in violation of this By-law, and includes an abutting property owner who caused or permitted the contravention to subsist.

"Culvert" means a pipe that runs across the frontage or flankage of a property intended to provide for the drainage of water from an open ditch, permitting the passage of Persons or vehicles from a highway to abutting property.

"Driveway approach" means the portion of the highway that is improved to permit the passage of Persons or vehicles from a highway to abutting property.

"Engineering Best Practices" means the most recent version of the document authored by the Corporation of the City of Windsor, which details desirable construction standards.

"Highway" means a street, road, avenue, parkway, alley, lane, median, sidewalk, trail, square, place, bridge, viaduct, or other public way under the jurisdiction of the Corporation.

"Hoarding" means the temporary, placement, and/or storage of materials or equipment on a highway, or work on the highway, including the erection of fencing or placement of barriers to enclose such areas of storage or work.

"Infrastructure" means any structure or facility placed within the Highway that is needed to serve the needs of the public.

"Leadwalk" means the portion of the highway that is improved to permit the passage of Persons from a highway to abutting property, but does not include a Driveway approach.

"Occupant" means any Person or Persons over the age of eighteen (18) years in possession of property and includes an owner, as defined in this By-law, who is in possession of the property.

"Order" means a directive to discontinue activity as set out more particularly in Section 444 of the *Municipal Act, 2001, S.O. 2001, c. 25*

"Owner" means the Person in whom is vested the ownership, or title of property and includes his or her agent or trustee in bankruptcy.

"Parking By-law" means the Corporation's *By-law Number 9023*, as amended from time to time, or any successor thereto.

"Permit" means a permit issued by the City Engineer under the provisions of this By-law.

"Permit Holder" means a Person who has applied for and has received a Permit.

"Person" includes an individual, sole proprietorship, partnership, and corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

"Private water connection" means the lateral water pipe which connects a building to the municipal water service system.

"Private sewer connection" is that part of a sewer system which connects private property to a municipal sewer system and includes the following: the tee or tap into the municipal sewer, the entire pipe from the municipal sewer to 3 feet (1.0 metres) inside the building, the cleanout tee fitting, the riser, and the cap / cover or sampling manhole with frame and cover.

"Traffic Protection Plan" is a document outlining the temporary management of traffic as specified in the Ontario Traffic Manual, to be submitted for municipal review.

"User Fee Schedule" is, as approved by Windsor City Council, a schedule of fees and charges, forming part of By-law 392-2002, *The Fees and Charges By-law*, as amended from time to time.

"Utility" means a public Utility as defined by the *Public Utilities Act, R.S.O. 1990, c. P.52*.

"Vehicle" means a motor vehicle, and trailer as defined in the *Highway Traffic Act, R.S.O. 1990, c. H.18*, as amended, and any vehicle drawn, propelled or driven by any kind of non-muscular power, but does not include a farm tractor or road building machine.

Part 2 - Placing of Goods and Personal Property on the Highway

- 2.1 Except as permitted by the Parking By-law, no Person shall place or cause to be placed upon any highway, any goods, wares or merchandise of any description whatever for a longer period than is actually necessary for shipping or receiving the same, and in no case for longer than thirty (30) minutes.
- a) Section 2.1, shall not apply to sidewalk sale organized by a Business Improvement Area Board of Management, as approved by the Corporation.
- 2.2 Except as otherwise permitted by this by-law, no Person shall place, occupy or maintain or cause or permit to be placed, occupied or maintained, upon any highway, any Personal property of any description, including but not limited to, signs, fences, decorative or landscape rocks or boulders, logs, raised planter beds, planters, trees or shrubs, or install any decorative landscape features whatsoever, including, but not limited to, statues, fountains, gravel, artificial turf, pavers or paving of any kind unless the objects are placed in accordance with the City of Windsor's Engineering Best Practices.
- a) Section 2.2 shall not apply to a Person who places, occupies, or maintains upon the highway, garbage, recycling materials or other goods, out for weekly collection by the Corporation, or collection undertaken at the request of the Corporation.
- b) Section 2.2 shall not apply to a Person who has entered into an encroachment agreement with the Corporation, which agreement is in good standing,

concerning their personal property, which may be placed, occupied, or maintained upon the highway.

- c) Section 2.2 shall not apply to a Person where such placement, occupation, or maintenance is permitted by a by-law of the Corporation.
- d) Section 2.2 shall not apply to a Person operating under or party to an executed Municipal Access Agreement.

Part 3 - Short Term Use of Highway

- 3.1 No Person shall use any portion of any highway for a period for longer than 1 hour but less than 24 hours for construction operations, for the storage of materials or equipment, or for the operation of overhead cranes or booms, unless:
 - a) such Person is the owner or occupant of lands adjoining such highway or is the authorized agent of such Person and provides evidence of such satisfactory to the City Engineer; and
 - b) the owner or occupant of lands adjoining such highway or the authorized agent of such Person is the holder of a valid Permit issued by the City Engineer.
- 3.2 Every Person who makes application for a Permit to use a portion of a highway under the provisions of this part shall make application to the City Engineer, on the form and in the manner specified from time to time and such application shall be accompanied by the General Permit Requirements and such information as required by the City Engineer.
- 3.3 A Permit issued under this part shall indicate the portion of the highway which may be occupied, the time or times during which it may be so occupied, the applicable terms and conditions of such occupation, the General Permit Requirements and shall be subject to cancellation at any time, without notice, at the discretion of the City Engineer.

Part 4 - Long Term Use of Highway

- 4.1 No Person shall use any portion of any highway during construction operations for the erection of hoarding, or for the operation of overhead cranes or booms, for longer than 24 hours, unless:
 - a) such Person is the owner or occupant of lands adjoining such highway or is the authorized agent of such Person and provides evidence of such satisfactory to the City Engineer; and
 - b) the owner or occupant of lands adjoining such highway or the authorized agent of such Person is the holder of a valid Permit issued by the City Engineer.
- 4.2 Every Person who makes application for a Permit to use a portion of a highway under the provisions of this part shall make application to the City Engineer, on the form and in the manner specified from time to time and such application shall be accompanied by the General Permit Requirements and such information as required by the City Engineer.
- 4.3 A Permit issued under this part shall indicate the portion of the highway which may be occupied, the time or times during which it may be so occupied, the applicable terms and conditions of such occupation, the General Permit Requirements and shall be subject to cancellation at any time, without notice, at the discretion of the City Engineer.
- 4.4 In no event shall a Permit issued under this part authorize the occupation of any portion of a highway beyond the limits of the frontage of the lands upon which construction operations take place, as projected, unless the Owner and/or Occupant of the land abutting such portion of the highway consents, in writing, in a form and

manner specified by the City Engineer from time to time, to the issue of a Permit for such enlarged occupation and waives all claims against the Corporation for damages arising directly or indirectly from such extended occupation.

- 4.5 No Permit issued under this part shall authorize or be deemed to authorize, expressly or impliedly, the placing of any materials or the doing of any act, matter or thing that will obstruct the free passage of water in drains, gutters, ditches or watercourses on any highway.
- 4.6 A Permit issued under this part may allow occupation of a part of a highway for one continuous period of time or may be only for a portion of each day during which the Permit is in effect, but if the Permit is granted for a portion of each day only, this fact shall not affect the scale of fees payable for the Permit.
- 4.7 In all cases where material or hoarding have been placed on a portion of a highway under the authority of a Permit issued under this part, the holder of a Permit shall, if such material or hoarding is on a highway between dusk and dawn, place and maintain on the material or hoarding a number and type of warning lights and barricades as specified by the City Engineer, to warn the public of the obstruction.
- 4.8 The holder of a Permit issued under this part shall keep any hoarding, fence or barricade, covered, in a neat and tidy condition, free of signs, posters or advertising material, and if constructed of lumber, shall be neatly painted.
- 4.9 Where the construction is carried out on a building or structure located within 4.5 meters of the highway, and a Permit has been issued under this part, the Permit Holder shall also comply with the requirements provided in Ontario Regulation 213/91, as amended from time to time, issued under the *Occupational Health and Safety Act*, R.S.O. 1990, c. 01, as amended.
- 4.10 The holder of a Permit issued under this part shall forthwith upon the expiration or termination of, or upon completion of the construction operations upon the land subject to the Permit (whichever date occurs first), at the Permit Holder's own expense and without notice so to do, remove from the highway all fences, barricades, hoarding, covered-ways, building materials, machinery and apparatus and restore the highway to the condition it was in before the same was placed thereon, to the satisfaction of the City Engineer.

Part 5 - Breaking up of Highway

- 5.1 No Person shall, for any purpose whatever, break up or remove any earth or portion of the material of any highway or construct anything at all upon any highway within the City of Windsor without having first obtained a Permit from the City Engineer.
- 5.2 Any Person seeking a Permit from the City Engineer for the purposes of breaking up or removing any portion of the material of any highway within the City of Windsor shall apply to the City Engineer in the form and manner established by the City Engineer from time to time.
- 5.3 A Permit issued under this part shall indicate the portion of the highway, which may be broken up or removed, the time or times during which it may be occupied by the Permit holder and shall be subject to cancellation at any time, without notice, at the discretion of the City Engineer
- 5.4 Every Person breaking up or removing any portion of the material of any highway within the City of Windsor under the authority of a Permit shall:
 - a) exercise all possible precaution against injury to Persons or property resulting from such work; and
 - b) leave no trenches, pits, holes or excavations uncovered, without providing sufficient protection at all times; and

- c) install, erect and provide barricades, signs, traffic cones, flashers, lights, plates, warning and other devices, materials and Personnel in accordance with the provisions of the "Ontario Traffic Manual - Book 7, Temporary Conditions", issued by the Ontario Ministry of Transportation, as amended from time to time.
- 5.5 No Permit issued under this part shall authorize or be deemed to authorize, expressly or impliedly, the placing of any materials or the doing of any act, matter or thing that will obstruct the free passage of water in drains, gutters, ditches or watercourses on any highway.
- 5.6 A Permit issued under this part may allow occupation, break-up and/or removal of a part of a highway for one continuous period of time or may be only for a portion of each day during which the Permit is in effect, but if the Permit is granted for a portion of each day only, this fact shall not affect the scale of fees payable for the Permit.
- 5.7 Any Person performing any work under the authority of a Permit issued under this part shall restore the highway in accordance with the Corporation's Standard Specifications for such work to the satisfaction of the City Engineer.
- 5.8 (1) Every owner shall maintain their Driveway Approach(es), Culvert(s) and Leadwalk(s) to their property so as not to cause injury to Persons or damage to property.

(2) The owner shall maintain the Driveway Approach(es) and Leadwalk(s) with a paved surface, constructed flush to the boulevard grade, without raised curbs, or trip hazards and Drive Approach(es) shall be placed with straight line flares to match the width of the curb cut unless otherwise approved by the City Engineer.

(3) The owner shall ensure clear open passage of water through the culvert so as to not impede the flow of water.

Part 6 - Private Sewer Connection / Private Water Connection

- 6.1 No Person shall, repair, construct or install a private sewer connection/private water connection upon any highway, attach a private sewer connection/private water connection to a municipal sewer or waterline, as the case may be, or alter or modify a municipal sewer or waterline located within any highway within the City of Windsor without having first obtained a Permit from the City Engineer.
- 6.2 Should a private sewer connection fail or become in a state of disrepair and is therefore causing any Infrastructure to fail or become in a state of disrepair, the City Engineer can issue an order for its repair, including the repair of Infrastructure, and the costs for said repairs will be collected in accordance with Section 12.2.
- 6.3 Section 5.2 to 5.7 inclusive, of this By-law; apply with necessary modifications to a Permit issued under this part.

Part 7 - Sampling Manholes

- 7.1 No Person shall install sampling manholes on any highway pursuant to the Corporation's Sewer Use By-law, as may be amended from time to time, without first obtaining a Permit for the installation of such sampling manholes from the City Engineer.
- 7.2 Any Person seeking a Permit from the City Engineer for the purposes of installing sampling manhole(s) on any highway within the City of Windsor shall apply to the City Engineer in the form and manner established by the City Engineer from time to time.

Part 8 - Discharge of Oil and other Contaminants from Vehicles onto Highway

- 8.1 No Person shall park any portion of a vehicle on any highway where such vehicle is leaking any fluid, including but not limited to, oil or gasoline, but not including water from the vehicle's air conditioning unit.
- 8.2 Where a vehicle parked in contravention of subsection 8.1 of this By-law leaks any fluid onto any portion of any highway, the owner of the vehicle shall cause the fluid to be cleaned up to the satisfaction of the City Engineer.
- 8.3 If the owner of the vehicle fails to comply with subsection 8.2, the Corporation may, in addition to any other available remedies, undertake the removal of the vehicle from the highway and/or clean the fluid, at the vehicle owner's expense.

Part 9 - Heavy and Over-Sized Loads

- 9.1 No Person shall move a vehicle, load, object, or structure in excess of the weight limits or dimensional limits set out in the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, over any highway in the City of Windsor without a Permit issued under this part.
- 9.2 Every Person seeking a Permit under this part shall provide a written description and drawing of the proposed route of travel to the City Engineer as part of the application and upon request, shall provide a scale drawing of the vehicle illustrating the number of, and dimensions between each axle, and specifying the loading on each axle.
- 9.3 Every Person issued a Permit under this part, shall, forty-eight (48) hours before commencing movement for which the Permit is issued, give notice to the departments, companies, agencies and Utility companies as set out in the Permit, indicating the route to be traveled and the time of commencement of such the movement.

Part 10 - General Permit Requirements

- 10.1 In all instances, application for a Permit shall be accompanied by:
 - a) The Permit fee for the category of Permit, and any other applicable fees as set out in the most current schedule of fees as approved by By-law 392-2002, *The Fees & Charges By-law*, as may be amended from time to time; and
 - b) Such security or deposit, in an amount calculated by the City Engineer, based upon his or her estimate of the cost which will be incurred to reinstate the highway and for other services provided by the Corporation; and
 - c) A stamped, reviewed Traffic Protection Plan from the City Engineer if road or sidewalk closures are required.
 - d) Proof of General Liability Insurance in the legal name of the applicant naming The Corporation of the City of Windsor as an additional insured, with limits of not less than \$5,000,000 per occurrence of bodily injury including death, Personal injury and property damage or such other higher amounts as determined by the City, for the entire duration of the Permit.

Proof of the insurance shall be in form satisfactory to the City and approved prior to the commencement of any work or activity being performed and the coverage provided by any policy required under this subsection will not be changed or amended in any way to the detriment of the Corporation, nor cancelled, by the Permit Holder until thirty (30) days after written notice has been sent by registered mail of such change or cancellation to the City

- 10.2 The City Engineer, in his/her sole discretion, may require that the applicant provide additional documentation to support the Permit application, including but not limited to, demonstrating notification to required stakeholders as indicated on the stamped review Traffic Protection Plan, work schedule, grading plan and legal survey.
- 10.3 Upon satisfactory completion of the work that is:
- a) subject to the Permit, and
 - b) following a maintenance period of one year, or other time period as deemed appropriate by the City Engineer,
- the amount of the security or deposit, which exceeds any costs incurred by the Corporation related to restoration of any highway related to work that is subject of the Permit, will be returned to the Permit Holder.
- 10.4 The Permit shall be valid until the date it expires, as outlined on the Permit. To extend the granted permission, the Permit Holder must request that a new Permit be issued, that the original Permit be closed, and that the security or deposit be returned.
- 10.5 A Utility that completes work on an emergency basis must apply for a Permit in accordance with the terms of their Municipal Access Agreement.
- 10.6 Every Permit Holder shall, forty-eight (48) hours before commencing the works for which the Permit is issued, give notice to the departments, companies, agencies and Utility companies as set out in the Permit, indicating the area of the works and the time the works shall be undertaken.
A Permit may be revoked by the City Engineer and the indemnity fee forfeited to the City, if the work is incomplete after the Permit expiry date and a Permit has not been renewed.
- 10.7 The City Engineer may require, as a condition to a Permit, that the work site be attended and supervised at all times.
- 10.8 The City Engineer may require, as a condition to a Permit that the work within the highway be inspected by the City Engineer at specified times.
- 10.9 The City Engineer may require, as a condition to a Permit that flagmen, uniformed police officer, and/or traffic warning devices be provided by the Permit Holder.
- 10.10 The City Engineer may require, as a condition to a Permit, that barricades, platforms or other structures be erected by the Permit Holder, for the protection of the public.
- 10.11 The City Engineer may require, as a condition to a Permit, compliance with any other condition as in his or her opinion is reasonably necessary for the protection of the public safety and right to travel along a highway.
- 10.12 The City Engineer may require, as a condition to a Permit, that construction drawings of the proposed works be submitted prior to the issuance of a Permit and/or as-constructed drawings be submitted prior to the return of security deposit(s) in accordance with Section 10.2.
- 10.13 The City Engineer may, without notice, revoke any Permit if the work, for whatever reason, constitutes a danger, in the opinion of the City Engineer.
- 10.14 The Permit Holder shall ensure that the work authorized by the Permit is conducted in a manner only as approved by the City Engineer.
- 10.15 The Permit Holder shall ensure that the work authorized by the Permit is conducted only at a date and time as authorized by the Permit.
- 10.16 The Permit Holder shall ensure that notification is given to all required utilities prior to the commencement of the work authorized by the Permit.

APPENDIX A
Proposed Update to By-law 25-2010 (as amended)

- 10.17 The Permit Holder shall ensure that the highway and existing Infrastructure are protected within the construction zone.
- 10.18 The City Engineer may require, as a condition to a Permit, the payment of costs for outstanding sewerage fees and, or, contributions directly associated with the works authorized by the said Permit.
- 10.19 A Permit is not transferable.

Part 11 - General Exception

- 11.1 The provisions of this By-law shall not apply to works undertaken by the Corporation, or by any agents or contractors employed by or engaged by the Corporation, acting under the direction of the City Engineer.

Part 12 – Offences & Enforcement

- 12.1 If this By-law is contravened, the City Engineer may make an Order requiring the Contravener to correct the contravention.
- 12.2 Failure to comply with an Order may result in the Corporation correcting the contravention, and the costs of the correction as well as any applicable fees under the City's User Fee Schedule will be added to the property tax roll of the Contravener and will be collected in the same manner as property taxes.
- 12.3 Every Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine not exceeding the maximum fine from time to time prescribed by the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, or any legislation passed in succession thereto.
- 12.4 This By-law shall be administered and enforced by the City Engineer.

This is Exhibit "F" referred to in the Supplemental Affidavit of **JASON WARD REYNAR** sworn before me, this 11th day of February, 2022.


A Commission for Taking Affidavits

SHELBY ASKIN HAGER
Commissioner, Legal & Legislative Service, The
Corporation of the City of Windsor

AMENDED BY:

By-law 8952, dated April 21, 1987 (approved by Minister of Environment Aug. 24/87)
By-law 10277, dated May 22, 1990
By-law 11621, dated Nov. 1, 1993 (approved by Minister of Environment June 16/94)
By-law 178-1998, June 8, 1998 (approved by Minister of Environment July 30/98)
By-law 191-1998, June 15, 1998 (approved by Minister of Environment July 30/98)
By-law 272-1998, August 31, 1998 (approved by Minister of Environment Jan. 26/99)
By-law 113-1999, April 26, 1999 (approved by Minister of Environment May 28, 1999)
By-law 344-1999, Nov. 15, 1999 (approved by Minister of Environment Feb. 2, 2000)
By-law No. 445-2001, December 3, 2001 (approval not needed – per George Wilkki legal opinion att'd)
By-law No. 182-2004, June 14, 2004 (new Municipal Act – Minister approval no longer necessary)
By-law No. 173-2006, Sept. 11/06
By-law No. 7-2008, Jan. 14/08
By-law No. 161-2010, Oct. 4/10
By-law 34-2013, March 4, 2013
By-law 84-2020, June 15/20

B I L L
No. 279
1 9 8 0

BY-LAW NUMBER 6716

**A BY-LAW RESPECTING THE EMISSION OF
SOUNDS**

Passed the 22nd day of September, 1980.

WHEREAS Section 129 of the Municipal Act, 2001, as amended, provides that the councils of local municipalities may pass by-laws for regulating or prohibiting with respect to noise; (**amended By-law 182, 2004, June 14, 2004**)

AND WHEREAS it is deemed expedient to reduce and control such sound or vibration;

NOW THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. INTERPRETATION

(1) In this by-law,

- (a) "Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;
- (b) "Construction Equipment" means any equipment or device designed and intended for use in construction or material handling, including but not limited to, air tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
- (c) "Conveyance" includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such device or vehicle if operated only within the premises of a person;

- (d) "Corporation" means The Corporation of the City of Windsor;
- (e) "Council" means the Council of The Corporation of the City of Windsor;
- (f) "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles;
- (g) "Minister" means Minister of the Environment;
- (h) "Ministry" means Ministry of the Environment;
- (i) "Motor Vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow machine, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act;
- (j) "Motorized Conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (k) "Municipality" means the land within the geographic limit of the City of Windsor;
- (l) "Noise" means unwanted sound;
- (m) "Noise Control Officer" means a Police Officer of the City of Windsor or any person designated by Council as responsible for the administration of this by-law from time to time;
- (n) "Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received.

(2) Zones

In this by-law,

- (a) "Residential Area" means those areas of the Municipality designated as residential in By-law Number 8600 and designated as residential and planned development in By-law Number 3072 of the Corporation as may be amended from time to time. (B/L 8952, eff. Aug. 24/87)
- (b) "Commercial Area" means those areas of the municipality designated as commercial in By-law Numbers 8600 and 3072 of the Corporation as may be amended from time to time. (B/L 8952, eff. Aug. 24/87)

2. GENERAL PROHIBITIONS

No person within the boundary of the municipality shall emit or cause or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a point of reception:

NOTE: Section 2, Subsections 1, 2, 3, 4, 5, 6 and 8 rescinded – By-law 84-2020

- i) No person shall emit or cause or permit the emission of sound resulting from unnecessary motor vehicle noise, such as the sounding of a horn, revving of an engine, squealing of tires, banging, clanking or any like sound that is clearly audible at a point of reception.
- ii) No person shall emit or cause or permit the emission of sound resulting from the repairing, rebuilding, modifying or testing of a vehicle if the sound is clearly audible at a point of reception from 9 p.m. until 7 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays.
- iii) No person shall emit or cause or permit the emission of sound from a motorcycle, if the motorcycle emits any sound exceeding 92 dB(A) from the exhaust outlet as measured at 50 cm or more, while the motorcycle engine is at idle.

(Sections (i), (ii) and (iii) – added By-law 84-2020, June 15, 2020

- (7) The operation of any item of construction equipment in a residential area without effective muffling devices in good working order and in constant operation.

2.1 AREA PROHIBITION

No person shall idle, or permit the idling of, a bus, for a continuous period exceeding 15 minutes, if the idling sound of the bus is clearly audible at a point of reception within the boundaries of the City Centre Business Improvement Area, as described in Schedule "A" attached hereto. **(added B/L 178-1998, June 8/98, eff. July 30/98)**

2.2 MOTOR VEHICLES – STEREOS/ELECTRONIC DEVICES

No person within the municipality shall emit or cause or permit the emission of sound resulting from the operation of any stereo or other electronic device designed to create, transmit, reproduce or amplify sound in or on a motor vehicle, which is audible at a distance of 8 metres (26 feet) from such motor vehicle. **(section added B/L 173-2006, Sept. 11/06)**

3. PROHIBITIONS BY TIME AND PLACE

No person within the municipality shall emit or cause or permit the emission of sound resulting from any act listed in Table 3.1, hereinafter set out, if clearly audible at a point of reception located in an area of the municipality indicated within a prohibited time shown for such an area.

TABLE 3-1

	PROHIBITED PERIOD OF TIME	
	Commercial Area	Residential Area
1. The operation of a combustion engine which,	Midnight to 7:00 A.M.	At all times

(i) is, or (ii) is used in, or (iii) is intended for use in, a toy, or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance.		
2. The sound from or created by any radio, phonograph, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence (B/L 11621, eff. June 16/94)	At all times	At all times
3. The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means, except where required or authorized by law or in accordance with good safety practices.	Midnight to 7:00 A.M.	At all times
4. The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on property not owned or controlled by a railway governed by the Canada Railway Act.	Midnight to 7:00 A.M.	At all times
5. The operation of any motorized conveyance other than on a highway or other place intended for its operation	Midnight to 7:00 A.M.	At all times

6. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.	Midnight to 7:00 A.M.	9:00 P.M. to 8:00 A.M.
7. The operation of a commercial car wash with air drying equipment	Midnight to 7:00 A.M.	11:00 P.M. to 8:00 A.M.
8. Yelling, shouting, hooting, whistling or singing.	Midnight to 7:00 A.M.	At all times
9. The operation of a power assisted hang glider or parafoil	Midnight to 7:00 A.M.	At all times
10. The operation of any item of snow making equipment.	Midnight to 7:00 A.M.	At all times
11. All selling or advertising by shouting or outcry of amplified sound.	Midnight to 7:00 A.M.	At all times
12. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.		8:00 P.M. to 6:00 A.M.
13. The operation of any equipment in connection with construction.		8:00 P.M. to 6:00 A.M.
14. The operation or use of any tool for domestic purposes other than snow removal	Midnight to 7:00 A.M.	9:00 P.M. to 8:00 A.M.
15. The operation of solid waste bulk lift or refuse compacting equipment.		8:00 P.M. to 6:00 A.M.
16. The operation of a commercial car wash of a type other than mentioned in Item 7.	Midnight to 7:00 A.M.	11:00 P.M. to 8:00 A.M.
17. Persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agricultural. (added B/L 113-1999, Apr.26/99, eff. May 28/99)	At all times	At all times

3.1 EXEMPTION (added B/L 445-2001, Dec.3/2001)

Table 3-1, paragraph 17, of section 3 shall not apply to:

- (a) A veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (b) An animal shelter operated by the Windsor-Essex County Humane Society, Erie Wildlife Rescue Inc., or a shelter lawfully operated by the Ontario Humane Society;
- (c) Premises registered as a research facility in accordance with the *Animals For Research Act*, as amended;
- (d) Kennels licensed by The Corporation of the City of Windsor;
- (e) Pet shops licensed by The Corporation of the City of Windsor;

- (f) Any person in charge of a traveling circus, exhibition, or road show, or any employee thereof, lawfully displaying animals within the City of Windsor;
- (g) Any person licensed or exempted as an operator of an animal supply facility in accordance with the *Animals For Research Act*, as amended, or the employees of such facility, during the course of their duties;
- (h) Any person who operates an elementary school, secondary school, college, university or provincial institution that contains a research facility exempted from registration under the *Animals For Research Act*, as amended;
- (i) Any person who operates, or who is employed by, an establishment which lawfully carries on the business of supplying animals to elementary schools, secondary schools, colleges, universities or provincial institutions;
- (j) Dogs maintained in a zoo, fair, exhibition, carnival, menagerie or circus operated or licensed by The Corporation of the City of Windsor or other governmental agency;
- (k) The Corporation of the City of Windsor or other governmental authority while lawfully operating a public park, exhibit, or zoological garden, and maintaining animals therein; and
- (l) Any dog owned, possessed or harboured by the Windsor Police Service, Ontario Provincial Police, Royal Canadian Mounted Police or any other local police or other government enforcement agency."

4. **EXCEPTION**

Notwithstanding any other provision of this by-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with:

- (1) Emergency measures undertaken,
 - (a) for the immediate health, safety or welfare or the inhabitants or any of them; or,
 - (b) for the preservation or restoration of property; unless such sound or vibration is clearly of a longer duration or nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.
- (2) Garbage and recycling collection carried out by, or on behalf of, The Corporation of the City of Windsor or its authorized agent. **(added by By-law 161-2010, Oct. 4, 2010)**

5. **GRANT OF EXCEPTION BY COUNCIL**

- (1) **Application to Council**

Notwithstanding anything contained in this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to any source of sound or vibration for which he might be prosecuted and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect, and any exemption granted shall specify the time period, not in excess of six (6) months, during which it is effective and may contain such terms and conditions as Council sees fit.

- (2) **Decision**

In deciding whether to grant the exemption, Council shall give the

applicant and any person opposed to the application, an opportunity to be heard and may consider such other matters as it sees fit.

(3) Breach

Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

(Section 6 REPEALED AND SUBSTITUTED – SEE BELOW – By-law 7-2008, Jan. 14/08)

6.1 EXEMPT ACTIVITIES

Notwithstanding any other provisions of this by-law, this by-law does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any of the hereinafter listed activities, namely:

- (a) Ringing of church bells or chimes
- (b) Ringing of school bells. **(Added B/L 34-2013, March 4, 2013)**

6.2 TEMPORARY NOISE BY-LAW EXEMPTION PERMITS

Despite any other provisions of this by-law, this by-law does not apply to a person who emits or causes or permits the emission of sound, if the Corporation's General Manager of Client and Protective Services, or his or her designate, has issue to such person a Temporary Noise By-law Exemption Permit, and such person complies with the terms and conditions in the said Temporary Noise By-law Exemption Permit."

(Section 6 SUBSTITUTED – B/L 7-2008, Jan.14/08)

7. SEVERABILITY

If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

8. PENALTY

Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs and every such fine is recoverable under the Provincial Offences Act. **(amended B/L 10277, May 22/90; B/L 344-1999, Nov.15/99)**

9. That By-law Number 137, as amended, is repealed.

10. This by-law shall come into full force and take effect upon the day following the final passing thereof upon which it is approved by the Minister of the Environment.

(SIGNED) "A. H. WEEKS"

MAYOR

(SIGNED) "J. B. ADAMAC"

CLERK

First Reading - September 22, 1980
Second Reading - September 22, 1980
Third Reading - September 22, 1980

NOTE: By-law No. 6716 is approved pursuant to the provisions of The Environmental Protection Act, 1971, as amended, at Toronto, this 17th day of February, 1981. (original certificate attached to book copy of By-law 6716)

(SIGNED) "HARRY PARROTT"
MINISTER OF THE ENVIRONMENT

(added B/L 178-1998, June 8/98, eff, July 30/98)

SCHEDULE "A"
TO BY-LAW NUMBER 178-1998

The Downtown Area of the City of Windsor bounded,

- a) on the north, by the Detroit River;
- b) on the east, by a line down the middle of Glengarry Avenue from the Detroit River to the middle of Chatham Street; thence westerly along the middle of Chatham Street to the middle of McDougall Street; thence southerly along the middle of McDougall Street to the middle of Tuscarora Street; thence westerly along the middle of Tuscarora Street to the middle of Windsor Avenue; thence southerly along the middle of Windsor Avenue to the middle of Elliott Street;
- c) on the south, by a line down the middle of Elliott Street from the middle of Windsor Avenue westerly to Victoria Avenue; thence northerly along the middle of Victoria Avenue to the middle of Elliott Street; thence westerly along the middle of Elliott Street to the alley between Victoria Avenue and Dougall Avenue; and
- d) on the west, by a line down the middle of the alley between Victoria Avenue and Dougall Avenue from Elliott Street to the middle of Park Street; thence westerly along the middle of Park Street to the middle of Church Street; thence northerly along the middle of Church Street to the middle of Pitt Street; thence westerly along the middle of Pitt Street to the middle of Bruce Avenue; thence northerly along the middle of Bruce Avenue to the Detroit River.